

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 18-286 (ADM/DTS)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	GOVERNMENT'S MOTION
SHERI MARIE LEMMA,)	FOR DISMISSAL
a/k/a Sheri Marie Cindrich,)	
)	
Defendant.)	

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States Attorney for the District of Minnesota hereby moves the Court to dismiss the pending criminal charges, namely, the Indictment (Dkt. 1) and Superseding Indictment (Dkt. 52) against defendant Sheri Lemma a/k/a Sheri Cindrich, without prejudice, in the interests of justice. Fed. R. Crim. P. Rule 48(a) provides:

The government may, with leave of court, dismiss an indictment information, or complaint. The government may not dismiss the prosecution during trial without the defendant's consent.

Dismissal with leave of court pursuant to Rule 48(a) is considered to be without prejudice and therefore, does not bar subsequent prosecution for criminal acts described in the indictment. *DeMarrias v. United States*, 487 F.2d 19, 21 (8th Cir. 1973).

As the Court is aware, this matter is scheduled for trial beginning February 18, 2020. In the course of preparing for trial, the government has very recently acquired new and additional information that bears on its decision to prosecute this

case. Based upon its recent receipt of this information, the government has determined that the interests of justice now require a dismissal of the pending charges, pursuant to Rule 48(a).

The government has conferred with counsel for the defendant, who advises the defendant has no objection.

Dated: February 11, 2020

Respectfully Submitted,

ERICA H. MacDONALD
United States Attorney

s/ Lindsey E. Middlecamp

BY: LINDSEY E. MIDDLECAMP
Special Assistant U.S. Attorney

BY: MATTHEW S. EBERT
Assistant U.S. Attorney